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Orleans FBI operative key to

By JACK DAVIS

The undercover FBI activities of a New Orleans man will be cited by defense attorneys in an effort to show government misconduct in the prosecution of Indian leaders who occupied the town of Wounded Knee, S.D., in 1973.

Federal prosecutors violated court orders by failing to disclose that FBI operative Harry E. "Gi" Schafer, 31, who posed as a radical, visited the legal defense office for leaders of the American Indian Movement, according to Kenneth Tilsen, an AIM lawyer in St. Paul, Minn.

TILSEN SAID yesterday Schafer's presence in the Wounded Knee Legal Defense-Offense Committee office and the recent disclosure that he worked for the FBI will be discussed before South Dakota courts where AIM members are scheduled to go on trial soon.

During the eight-month trial last year of AIM leaders Russell Means and Dennis Banks, the government was ordered to reveal any contacts made with the defense by undercover government operatives, Tilsen said.

However, the prosecutors made no mention of the fact Schafer, who repeatedly "hung out" in the defense office, was an FBI operative, Tilsen said. He said this failure would open the door to investigate other possible government misconduct if about 30 pending AIM cases are brought to trial.

AIM'S CHIEF security officer admitted this week that he was an FBI operative during the Wounded Knee siege, and that he gave the prosecution secret information on defense plans for the Banks and Means trial.

In a telephone interview with The States-Item, Tilsen said the security officer, Douglass Durham, 37, ran the legal defense office and was present during courtroom strategy sessions between the defendants and their lawyers.

Durham said in a press conference Thursday that he had been paid $1,000 to $1,100 a month by the FBI.

Durham was also a top aide and close confidant to Banks. Charges against Banks and Means were dismissed by the trial judge in September after the government had been accused of acts of misconduct and after a juror became sick.

Tilsen said he would ask that any charges pending in other Wounded Knee cases be dismissed on the basis of Dur-

outcome at Wounded Knee?

ham's disclosures. The government earlier contended it had no direct access to the defense strategy, Tilsen said.

Schafer—who participated in New Orleans anti-war and protest movements for five years while working for the FBI—appeared several times in the legal defense office, Tilsen said.

The lawyer asked him to leave on two occasions, and Schafer became belligerent and "threatened to kill me," Tilsen said. On one visit Schafer was accompanied by his wife Jill, 36, also an FBI operative, Tilsen said.

A NUMBER of persons in the New Orleans area were called by Schafer during the Wounded Knee occupation, in the spring of 1973. They said he described himself as an active supporter of the Indian occupation and defense against federal law enforcement officers.

Schafer asked them to bring guns and ammunition to Wounded Knee, they said. Schafer himself admitted making the phone calls, but said he did not specifically ask for guns or ammunition, only for supplies that could be used in a battle with the federal agents.

One person called by Schafer, a Vietnam veteran, said he suspected that the phone was bugged and that anyone complying with Schafer's request would be arrested on the way to South Dakota.

JILL SCHAFER also organized an anti-FBI demonstration outside the federal building on Loyola Avenue during the Wounded Knee occupation, according to persons here who participated in the demonstration.

The Schafers moved from their Metairie home late last year to a Southwestern city, but they have apparently left their new address. Mail sent there has been returned and their phone has been disconnected.

Efforts to reach them about their Wounded Knee involvement were unsuccessful. FBI officials have declined to comment on the Schafers' activities or Durham's disclosures.

Tilsen said he planned to ask for a special prosecutor to handle charges of possible perjury and obstruction of justice by the government in its handling of the AIM cases. He said affidavits describing the Schafers' activities will help show the "criminal" extent to which the prosecution has gone to cover up the existence of informers in the defense camp.